

REMARKS

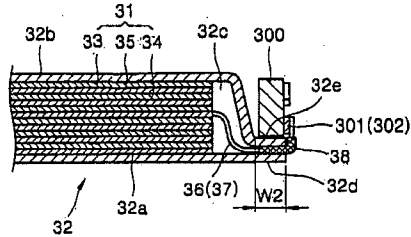
In the final office action dated January 12, 2012, the Examiner rejected pending Claims 1, 8 and 19 under 35 U.S.C. § 112, first paragraph as not satisfying the written description requirement. The Examiner further rejected Claims 1, 8 and 19 as being obvious in view of the Noh reference (U.S. Patent No. 6,387,567), the Applicant's Admitted Prior Art (AAPA), The Ikeuchi reference (WP 01/99211 – U.S. Patent No. 6,994,926) or some combination thereof. By this paper, the Applicant has amended the Claims to address the written description rejection and has further amended the Claims to highlight the subject matter that the Applicant believes is allowable over the art of record. Hence, reconsideration of the above-captioned application in light of the amendments and remarks contained herein is now respectfully requested.

In the office action, the Examiner rejected Claims 1, 8 and 19 under 35 U.S.C. § 112, first paragraph, on the grounds that there is no support in the specification for the tabs being bent at a substantially right angle “with respect to the main surface of the upper and lower case body”. By this paper, the Applicant has amended Claim 1 to indicate that the tabs are bent at a substantially right angle “with respect to the sealing surfaces of the upper and lower case bodies”. Antecedent support for this amendment can be found in Paragraph 0047. The Applicant therefore believes that the Claims comply with the requirements of 35 U.S.C. § 112, first paragraph.

In the office action, the Examiner rejected the pending Claims as being obvious under 35 U.S.C. § 103 in view of Noh, AAPA, Ikeuchi or some combination thereof. After carefully reviewing each of these references, the Applicant notes that none of these references disclose electrode tabs that are “bent only once so as to extend in a plate that is disposed at substantially right angle with respect to a plane of the sealing portion and with respect to the sealing surfaces of the upper and lower case bodies” in combination with the protection circuit board being “positioned so as to be vertically aligned with the electrode tab to thereby contact the electrode tabs bent in a direction that is vertical with respect to the sealing portion of the case” (See, e.g., Claim 1 as amended).

This feature is shown in Figure 5 of the Applicant's Published Application reproduced below:

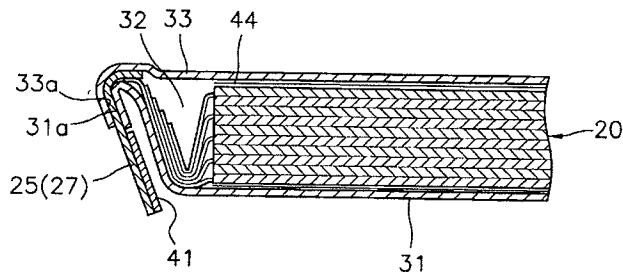
FIG. 5



As shown, the electrode tabs bends up (at reference numeral 38) just once upon leaving the sealing surfaces and extend substantially perpendicular to the sealing surfaces. The electrode terminals 301(302) are vertically aligned with the electrode tabs to thereby contact the electrode tabs bent in the direction that is vertical with respect to the sealing portion of the case.

This feature is neither shown nor suggested in any of the cited art. With respect to Noh, the tabs are not substantially perpendicular to the sealing surfaces, nor are the electrode terminals vertically aligned. Figure 5 of Noh is reproduced below:

FIG.5



Noh, initially, does not disclose a protection circuit element having electrode terminals to be aligned, it simply shows in insulators 41. Thus, there is no vertical alignment between the electrode terminals of the protection circuit board and the electrode tabs that perpendicularly bent away from the sealing surfaces. Moreover, the sealing portions 33a are also bent such that the electrode tab 25 is not bent so as to extend perpendicular therefrom. Both the sealing portion 33a and the electrode tab 25 are bent so as to be parallel. Further, even to the extent that the electrode tab 25 is bent, with respect to a portion of the sealing portions 33a, it is bent at

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substantially more than a 90 degree angle and is thus not vertical nor perpendicular to the first portion of the sealing portions 33a.

For these reasons, the Applicant contends that Claim 1 as amended is not obvious in view of Noh. Further, the AAPA and Ikeuchi also fail to teach these features of the perpendicular bend and the alignment of the electrode tab and the electrode of the protection circuit board. The AAPA discloses multiple bends and no vertical alignment and Ikeuchi has the electrode extending out horizontally to contact the protection circuit board and is thus also not vertically aligned nor perpendicular.

The Applicant therefore believes that Claim 1 as amended is allowable over the art of record. The Applicant believes that Claim 8 and 19 define additional patentable subject matter and are further allowable due to their respective dependencies on Claim 1. Hence, the Applicant believes that the above-captioned application is in condition for allowance and requests the prompt allowance of the same. Should there be any impediment to the prompt allowance of this application that could be resolved by a telephone conference, the Examiner is respectfully requested to call the undersigned at the number shown below.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

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Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.


Docket No.	Serial No.	Title	Filed
SDIYPL.386AUS (current application)	10/791,269	POUCH-TYPE LITHIUM SECONDARY BATTERY AND FABRICATION METHOD THEREOF	03/03/2004
SDIYPL.386C1	11/265,131	POUCH-TYPE LITHIUM SECONDARY BATTERY AND FABRICATION METHOD THEREOF	11/03/2005
SDIYPL.386CP1	11/280,463	POUCH-TYPE LITHIUM SECONDARY BATTERY AND FABRICATION METHOD THEREOF	11/17/2005

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 3/9/12

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